

REMARKS/ARGUMENTS

Claims 1-7 and 9-20 are pending in this application. No claims have been amended, added, or cancelled with the filing of this Response. Reconsideration of the application is requested in view of the following remarks.

As an initial matter, Applicants formally request an interview with the Examiner for further discuss the claimed biodegradable polyester mixture in view of the disclosures of Liu et al. (US Published Pat. Appl. No. 2003/0092793) and Warzelhan et al. (US Patent No. 6,018,004).

Rejection Under 35 U.S.C. § 103

The rejection of claims 1-7 and 9-20 are rejected under 35 U.S.C. § 103(a) as obvious over Liu et al. (US Published Pat. Appl. No. 2003/0092793) in view of Warzelhan et al. (US Patent No. 6,018,004) is respectfully traversed for reasons of record and the reasons indicated below.

According to the Office at page 3, the combination of “Liu et al. and Warzelhan et al. would result in a biodegradable polyester mixture the same/similar to applicants’, and hence would inherently contain all of applicants’ disclosed (not claimed) benefits.” Final Office Action at page 3, lines 1-3.

However, Applicants point out that Liu et al. clearly does not disclose biodegradable resins, since the disclosed component i) starch is the only biodegradable while the disclosed component ii) thermoplastic resin is not biodegradable. In particular, according to paragraph [0034], thermoplastic resin is selected from the group consisting of polyethylene, polypropylene, polystyrene, ethylene-vinyl acetate copolymer, polyester and polyamide. As one of ordinary skill in the art would know, none of these thermoplastic resins are biodegradable. Moreover, there is no indication or suggestion to modify the reference to not include this non-biodegradable resin component.

As such, the claimed biodegradable polyester mixture is novel and not obvious in view of the combined references. Accordingly, withdrawal and reconsideration of the present claims are requested.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is now in condition for allowance. A notice to this effect is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 03-2775, under Order No. 12810-00192-US from which the undersigned is authorized to draw.

Dated: April 5, 2010

Respectfully submitted,

Electronic signature: /Bryant L. Young/
Bryant L. Young
Registration No.: 49,073
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant